

Richard F. Lawler  
Lori Van Auken  
WINSTON & STRAWN LLP  
200 Park Ave  
New York, NY 10166-4500  
Phone: (212) 294-6700  
Fax: (212) 294-4700

*Attorneys for Defendant Andrx Pharmaceuticals, Inc.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
	:	
ASTRA AKTIEBOLAG, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	99-CIV-8926 (DLC)
	:	99-CIV-9887 (DLC)
	:	
ANDRX PHARMACEUTICALS, INC.,	:	
	:	
Defendant.	:	
	:	
-----	X	
	:	
In re OMEPRAZOLE PATENT LITIGATION	:	M-21-81 (DLC)
	:	MDL Docket No. 1291
	:	
-----	X	

**THIRD DECLARATION OF PETER J. SLAWNIAK IN SUPPORT OF  
ANDRX PHARMACEUTICALS, INC.'S OPPOSITION TO  
ASTRA'S FIRST MOTION IN LIMINE**

I, PETER J. SLAWNIAK, declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an associate in the Chicago, Illinois office of the law firm of Winston & Strawn LLP, and admitted *pro hac vice* before this Court as counsel of record to Defendant Andrx Pharmaceuticals, Inc.

2. I am familiar with the facts and circumstances stated herein and respectfully submit this third declaration in support of Andrx Pharmaceuticals, Inc.'s Memorandum in Opposition to Astra's First Motion *In Limine*.

3. I make this declaration based on personal knowledge, except where otherwise indicated.

4. Pursuant to this Court's Order of September 24, 2013 (Dkt. 220), and this Court's subsequent telephonic rulings of September 30, 2013, Andrx hereby provides the following public version of documents that were previously filed entirely under seal in connection with Andrx's Opposition to Astra's First Motion *in Limine* (Dkt. 112.)

5. Attached hereto as Exhibit A is a true and correct copy of the 2004 Destruction Memo, produced at ANDRX018323-61, redacted per the Court's rulings on September 30, 2013.

6. Attached hereto as Exhibit D is a true and correct excerpted copy of the Transcript of the Deposition of Dr. Christine Meyer, dated July 30, 2013.

Date: Chicago, Illinois  
September 30, 2013

By: /s/ Peter J. Slawniak  
Peter J. Slawniak  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, IL 60601-9703  
Telephone: (312) 558-5600  
Facsimile: (312) 558-5700  
[pslawniak@winston.com](mailto:pslawniak@winston.com)